

EXHIBIT NNN



"Timothy J. Hogan"

<tjh@loio.com>

10/31/2005 07:34 PM

"Limongelli, Victor"

To <victor.limongelli@guidancesoftware.com>, "Rex Fujichaku" <rfujichaku@bchlawnet>

"Damian Capozzola \ (E-mail)" <dcapozzola@kirkland.com>,

"Eric Liebler \ (E-mail)" <eliebler@kirkland.com>,

<JKomeiji@wik.com>, "Lex Smith \ (E-mail)" <lex@gte.net>,

cc "Lyle Hosoda \ (E-mail)" <lsh@hosodalaw.com>, "Lyle Hosoda \ (E-mail)" <lshosoda@hotmail.com>, "Margery Bronster \ (E-mail)" <mbronster@bclaw.net>, "Sheldon Toll \ (E-mail)" <lawtoll@comcast.net>

bcc

Subject RE: Nick Ringold

Dear Mr. Limongelli:

Did I say Access? I presume you will agree that SQL has no such limitation.

As to what I am seeing, even if it were in Access, Dillon linked databases together. I've put evidence of that in the record in regard to the Motion to Recon filed few weeks back. It was not disputed. Do you claim a limitation to effective size in "daisy chained" Access tables that appears to be Dillon's MO?

In any event, I have found an offset based on the HEX address that is 4.4 gigs into the file. You have the actual database that will solve the mystery. Why not just let us see it. What possible basis could there be for withholding this evidence?

Why did you chop it up in the place and then tell me that is the way your software works forcing me to go to the FBI to get the truth?

I'd like to show the cluster to Mr. Berry so he can look at it. He has a right to be an expert on his own behalf. Does anyone object to Berry seeking the cluster? Please advise of the grounds for such objection.

As to what happened, Mr. Gurzi's notes evidence his discovery of a 4.6 gig file. That file is missing. This cluster has evidence that would tend to prove that, after Mr. Gurzi found it, it was deleted. How Guidance maintains a fair use defense in light of this is beyond me.

Finally, I get the impression that there is no Nick Ringold. Please advise me if I am wrong and please include his resume.

I will address Mr. Fujichaku's letter copied to the Master in a separate response.

Tim Hogan

Timothy J. Hogan
Lynch Ichida Thompson Kim & Hirota
1132 Bishop Street, Suite 1405
Honolulu, Hawaii 96813
Tel. (808) 528-0100

Fax. (808) 528-4997
Email tjh@loio.com

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-----Original Message-----

From: Limongelli, Victor [mailto:victor.limongelli@guidancesoftware.com]

Sent: Monday, October 31, 2005 1:02 PM

To: Timothy J. Hogan; Rex Fujichaku

Cc: Damian Capozzola (E-mail); Eric Liebeler (E-mail); JKomeiji@wik.com;

Lex Smith (E-mail); Lyle Hosoda (E-mail); Lyle Hosoda (E-mail); Margery

Bronster (E-mail); Sheldon Toll (E-mail)

Subject: RE: Nick Ringold

Mr. Hogan,

You state that you "have found a database larger than 4 gig in the unallocated cluster that Mr. Ringold provided." Even if that were true (which we do not concede), what is your point? What is the relevance of that? Do you mean to say that deleted data that was preserved on the "Before" image should have been restored to the Fleming systems so that it would appear on the "After" image?

Also, for your own edification, with respect to your claim that you have found a database larger than 4 gigs, you may want to note that according to the attached link, Microsoft contends that for Access 2000 "the maximum size of the database [is] (approximately 2.14GB or 1,070,000,000 Unicode characters)." See:
<http://66.102.7.104/search?q=cache:dDSulGRhhE4J:msdn.microsoft.com/library/techart/acintsql.htm+%22Access+Database%22+%22maximum+size%22+gigabytes&hl=en>

With regard to your requested stipulation, we will make no such stip. Your implication/allegation (i.e., that Gurzi knew of or participated in deletion of files and then IMMEDIATELY PRESERVED those deleted files for posterity using computer forensics software) is completely absurd, and we reject it in its entirety.

Victor Limongelli

-----Original Message-----

From: Timothy J. Hogan [mailto:tjh@loio.com]

Sent: Monday, October 31, 2005 11:00 AM

To: Rex Fujichaku

Cc: Damian Capozzola (E-mail); Eric Liebeler (E-mail); JKomeiji@wik.com;

Lex Smith (E-mail); Lyle Hosoda (E-mail); Lyle Hosoda (E-mail); Margery

Bronster (E-mail); Sheldon Toll (E-mail); Limongelli, Victor

Subject: RE: Nick Ringold

Wrong: Take a look at paragraph 12 of the Amended Rule 16 Scheduling Order.

We need to serve him with a subpoena. Please confirm where he can be found. Otherwise, I will put it out for service.

Also, the Hearing on the OTC has been moved to December 1, 2005. We have

time if your client cooperates. Also, I have found a database larger than 4 gig in the unallocated cluster that Mr. Ringold provided. Because Mr. Ringold chose to delete much of the metadata to quote Mr. Walker, he is a very important, I'd say critical, witness and I will press for his deposition unless Guidance can stip. that Gurzi either knew of or actually participated in the deletion of the database and it produces the backups.

I will presume that the other counsel are all in agreement with Guidance on this issue, but will allow them the opportunity to state if that is in-fact so. Counsel please advise me of the position of Alex Partners, PCT, Employees and C&S as to Mr. Ringold.

Tim Hogan

Timothy J. Hogan
Lynch Ichida Thompson Kim & Hirota
1132 Bishop Street, Suite 1405
Honolulu, Hawaii 96813
Tel. (808) 528-0100
Fax. (808) 528-4997
Email tjh@loio.com

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-----Original Message-----

From: Rex Fujichaku [mailto:rfujichaku@bchlaw.net]
Sent: Monday, October 31, 2005 8:39 AM
To: Timothy J. Hogan
Cc: 'Damian Capozzola (E-mail)'; 'Eric Liebeler (E-mail)'; JKomeiji@wik.com; 'Lex Smith (E-mail)'; 'Lyle Hosoda (E-mail)'; 'Lyle Hosoda (E-mail)'; 'Margery Bronster (E-mail)'; 'Sheldon Toll (E-mail)'; 'Victor Limongelli (E-mail)'
Subject: RE: Nick Ringold

Tim: Discovery is closed.

Rex Y. Fujichaku
Bronster Crabtree & Hoshibata
1001 Bishop Street
2300 Pauahi Tower
Honolulu, HI 96813
Tel: 808-524-5644
Fax: 808-599-1881
Email: rfujichaku@bchlaw.net

-----Original Message-----

From: Timothy J. Hogan [mailto:tjh@loio.com]
Sent: Friday, October 28, 2005 6:33 PM
To: Rex Y. Fujichaku
Cc: Damian Capozzola (E-mail); Eric Liebeler (E-mail); JKomeiji@wik.com;

Lex Smith (E-mail); Lyle Hosoda (E-mail); Lyle Hosoda (E-mail); Margery Bronster (E-mail); Sheldon Toll (E-mail); Victor Limongelli (E-mail)
Subject: Nick Ringold

Dear Mr. Fujichaku

Please advise me of dates that Mr. Ringold is available to be deposed.

Thank you,

Tim Hogan

Timothy J. Hogan
Lynch Ichida Thompson Kim & Hirota
1132 Bishop Street, Suite 1405
Honolulu, Hawaii 96813
Tel. (808) 528-0100
Fax. (808) 528-4997
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